



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: July 12, 2007

RE: Guidance for making motions on Chevron project

If you do not have the document for this project, you can download them off the City's webpage from the January City calendar, or request a copy from Gabe or myself.

The Planning Commission chair requested some guidance on making motions for individual aspects of the Chevron project. The Planning Commission does have the ability to approve portions of a project, and deny others. Also recall that the applicant did request that a decision be made at this meeting, although he will not be able to attend. It was my impression that he would rather have the project denied at this point rather than continued again. The Planning Commission has 90 days from the first hearing to make a decision unless that time limitation is waived by the applicant. At the applicant's request, the hearing was continued several months, because he was not able to attend the meetings. At this point it is difficult to know when the 90 day clock should start. I would say that this meeting would represent the third hearing, and we would then be a 60 days. To be safe, the Planning Commission should make a decision at this meeting since a project is deemed approved if no decision is made within the specified time period. If the Planning Commission still feels that it does not have enough information at this point to make a decision, the project (or portion(s)) of it can be denied without prejudice so that the applicant can reapply immediately if he chooses to pursue the application. If the project is simply denied, then the applicant has to wait a year to reapply.

Motions should be worded so they explicitly reflect the project aspect(s) being addressed. The motion should also state any changes or additional conditions that the Commission requires. At the last meeting, it seemed as if the Commission was ready to approve the pump valences with the condition that they not be internally lit. A motion should be something like the following:

Based on the information submitted in the application, included in the staff report and public testimony, I move to adopt the information and findings in the staff report and approve the proposed pump valences with the condition that they are not internally lit and as conditioned in the staff report.

Any portion of the project that is denied should be based on not being able to make one or more of the required findings. An example would be:

Based on the information submitted in the application, included in the staff report and public testimony, I find that Design Review finding 'C' and View Protection finding 'B' can not be made because the signs consist of preset architectural styles and they block public coastal views and I move to deny the proposed replacement of the sign faces on the two freestanding signs.

You can include 'not to exceed' language in approving portion(s) of the project. For example, with the monument price sign you can approve a sign not to exceed a certain size and within a specified location. However, keep in mind that the applicant may reject these caveats and choose not to implement the project at all. The Planning Commission can though, condition portion(s) of the project on other parts. For example, you could allow the lit canopy fascia on the condition that other lighting is reduced, or that the pump valances not be lit. Or, you could approve the canopy fascia on the condition that the price sign is constructed as specified by the Commission. That way, if the applicant chooses not to implement changes in the price sign as desired by the Commission, then the panels can not be replaced either. In this case, it may be better to approve the project all at once, but eliminate any undesirable portions and add any necessary conditions with one motion. There are lots of possibilities. I can help you make specific motions at the meeting.

A couple things to note from the other agenda items: I'm not sure if we will have time for it, but just in case, bring your OWTS information materials from the April meeting. You can download these documents from the webpage under the City calendar for April. The General Plan item is short. It is just a planning item to discuss strategies for the upcoming General Plan update. This may include strategies for encouraging public participation and input, scheduling a townhall style community visioning meeting, dividing into subcommittees etc. Come with your ideas.